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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,842	09/30/2003	Bob L. McFalls	TRW(AP)6500	6898

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EXAMINER

GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,842	Applicant(s) MCFALLS ET AL.	
	Examiner Barry J. Gooden Jr.	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11, 13-15, 17-18, and 20-21 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species (Figures 1, 3-6 and 8) in the reply filed on October 17, 2005 is acknowledged.

Claim 19 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 17, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 8-11, 13-15, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Grace et al., US Patent 6,581,968 B1.

In regards to claims 1-4, Grace et al. show the claimed elements including a vehicle occupant protection system (300) comprising:

seat belt webbing (310 and 330);

a device (340 and 360) coupled to the seat belt webbing (310 and 330) for sensing tension in the seat belt webbing (310 and 330), the device (340) being decoupled from the seat belt webbing (310) in response to the tension in the seat belt webbing (310) exceeding a predetermined threshold (Column 3, Lines 8-38 and Column 4, Lines 55-65);

a loosely extending portion (330) of the seat belt webbing (310 and 330) extends in parallel to the device (340 and 360), when the device (340 and 360) is coupled to the seat belt webbing (310 and 340),

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so that the loosely extending portion (330) of the seat belt webbing (310 and 330) is a non-load bearing portion of the seat belt webbing (310 and 330);

the loosely extending portion (330) of the seat belt webbing (310 and 330) is pulled taut and becomes a load bearing portion (Column 3, Lines 35-38) of the seat belt webbing (310 and 330) in response to decoupling of the device (340) from the seat belt webbing (310); and

an indication system (physically and visibly releasing) for indicating that the device (340) has been decoupled from the seat belt webbing (310).

In regards to claim 6, Grace et al. show the claimed elements including, a device (340) having opposite first and second ends, the first end being attached to a first member (360), the first member (360) being configured to release the first end in response to the tension in the seat belt webbing exceeding the predetermined threshold (Column 4, Lines 59-65).

In regards to claim 8-11, Grace et al. show the claimed elements including, a vehicle occupant protection system (300) comprising:

seat belt webbing (310, 330 and the webbing attached to the buckle (350) in Figure 3a);

an anchor ["a buckle (350) that is secured to the vehicle" (Abstract)], the seat belt webbing (310) being secured (buckled condition) to the anchor, tension in the seat belt webbing (310) being transferred to the anchor;

a device (340 and 360) for sensing tension in the seat belt webbing (310), the device (340 and 360) including first (340) and second (362 and 320) attachment portions and a sensor portion (360) that is interposed between the first (340) and second (362 and 320) attachment portions,

the first (340) and second (320 and 362) attachment portions of the device (340 and 360) being secured to the seat belt webbing (310) so that a portion of the seat belt webbing (330) extends loosely between the first (340) and second (320 and 362) attachment portions, the device (340 and 360) being subjected to the tension in the seat belt webbing (310), the sensor portion (360) of the device (340 and 360) sensing the tension, including an indication system (physically and visibly releasing) for indicating

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that the first attachment portion of the device has been released from the seat belt webbing, and providing a tension signal (releasing from 340) indicative of the sensed tension (Column 4, Lines 59-65);

the tension being transferred from the seat belt webbing (310) to the anchor through the device (340 and 360) bypasses the loosely extending portion of the seat belt webbing (330) so that the loosely extending portion of the seat belt webbing (330) is a non-load bearing portion of the seat belt webbing (310 and 330);

upon the occurrence of a crash event, the first attachment portion (340) of the device (340 and 360) is released from the seat belt webbing (310) and the loosely extending portion of the seat belt webbing (330) becomes a load bearing portion of the seat belt webbing (310 and 330);

In regards to claims 13-15, 20, and 21, the first (340) and second (320 and 362) attachment portions of the device (340 and 360) include structure (320 and 362) enabling the device (340 and 360) to be releasably attached to the seat belt webbing (310);

the structure of the first attachment portion (340) including a first plate having a first slot (447) with a first opening leading to the first slot and wherein the structure of the second attachment portion (320 and 362) includes a second plate (320) having a second slot (322) with a second opening leading to the second slot (322);

the seat belt webbing (310 and 330) including first (330 through 447) and second (310 through 322) loops, the first and second loops being spaced apart from one another, the first slot (447) of the first attachment portion (340) receiving the first loop and the second slot (322) of the second attachment portion receiving the second loop;

a tongue assembly (344) and a buckle assembly (350) for releasably securing the tongue assembly (344), the tongue assembly (344) being attached to the seat belt webbing (330);

the buckle assembly (350) being attached to the seat belt webbing (between the buckle and the anchor), the tongue assembly (344) being attached to another length of webbing (330).

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The examiner notes that the through slots of Grace et al. have integral openings allowing the webbing (310 and 330) to pass through. In addition, the term "seat belt webbing", used in the applicant's claims, refers to all or some portions of the webbing; the examiner has also used this definition.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grace et al. in view of Wize et al., US Patent 4,169,615.

In regards to claims 17 and 18, Grace et al. disclose the claimed structure excluding a closure members attached to the first and second attachment portions thereby providing a closed condition for securing the seat belt webbing loops and an open condition for enabling insertion of the first loop into the first slot through the first opening. Wize et al. disclose a pivotal closure member used in an open condition for insertion of a seat belt webbing and a closed condition in which the webbing is secured. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment portions of Grace et al. in view of the teachings of Wize et al. to include a pivotal closure member so as to provide a reliable means of securing the seat belt webbing loops and of removing the loops from the attachment portions without removing the stitching from the webbing.

Allowable Subject Matter

7. Claims 5, 7, 12, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boblitz, Chang, Klink, Koketsu et al., Cornell, Naclerio, Wittenberg, Curtis et al., Springer, Anderson, Frig, Fancy, Reid et al., Francois, Huber et al., Murphy et al., Symonds, Sakai et al., and Scotton all disclose similar inventions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/16/05
Barry J. Gooden Jr.
Examiner
Art Unit 3616

BJG


FAYE M. FLEMING
PRIMARY EXAMINER 11/16/05